



JFW

United States Patent & Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Director of Technology

January 9, 2009

Dear Sirs,

In reference to Application 10/618/124, applicant is writing this letter to petition the status of an 'untimely amendment'.

The applicant respectfully submits that he diligently responded to the U.S.P.T.O. office action within the set timeframe. The applicant submits proof with attachments to this letter. The attachments include copies of the Certificate of Receipt provided to the United States Post Office dated August 9, 2008 and the Certificate of Mailing clearly signed and dated by the applicant on August 9, 2008.

The two signed documents stated above have corresponding dates and the applicant signed and dated the Certificate of Mailing and deposited the amendment addressed to the Commissioner of Patents at the U.S. Post Office August 9, 2008. There is no doubt whatsoever that the applicant filed the amendment with the U.S. Post Office Service on August 9, 2008. The pro se applicant was unaware until recent telephone conversations that the U.S.P.T.O. may require the date to be within the body of the statement on the Certificate of Mailing. Further, the applicant filed a previous amendment dealing with matters of non-compliance and provided a Certificate of Mailing with the same format and structure as the Certificate of Mailing stated above. He responded to the prior office action within the set timeframe but the prior amendment was lost at the U.S.P.T.O. The applicant responded by sending proof of Certificate of Receipt from the U.S. Post Office and a Certificate of Mailing. The U.S.P.T.O. responded in kind by taking the application out of abandonment.

In addition, the applicant never received an office action or a mailing notice from U.S.P.T.O. stating an 'untimely amendment' and only noticed the 'untimely amendment' by viewing the U.S.P.T.O. website and is responding prior to abandonment. The applicant has provided an application very near completion with years of development and correspondence with the U.S.P.T.O.

Applicant respectfully submits consideration that the application 10/618/124 continues examination without further delay and that the application not reach abandonment.

Daniel R. Stewart


Applicant



Daniel R. Stewart
817 Simondi Ave.
Salt Lake City, Utah 84116
Telephone (801) 673-1683

January 9, 2009

Certificate of Mailing

I hereby certify that this correspondence and attachments will be deposited with the United States Postal Service by First Class Mail on January 9, 2009, postage prepaid, in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450

[Handwritten signature of Daniel R. Stewart]

Applicant

Daniel R. Stewart



Daniel R. Stewart
Simondi Ave.
Salt Lake City, Utah 84116
Telephone (801) 673-1683

Aug 9, 2008

Certificate of Mailing

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Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Examiner Gary E. Elkins
Art Unit 3782

Applicant



Daniel R. Stewart



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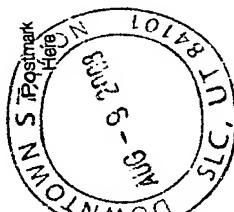
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